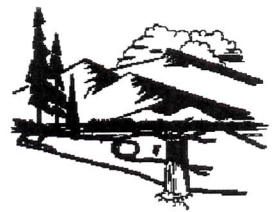




Mark Gordon, Governor

Department of Environmental Quality

*To protect, conserve and enhance the quality of Wyoming's
environment for the benefit of current and future generations.*



Todd Parfitt, Director

March 3, 2020

Mr. Carl Daly
Acting Director, Air and Radiation Division
U.S. EPA Region VIII
1595 Wynkoop St.
Denver, CO 80202

RE: Haystack Mine Data Influenced by an Exceptional Event: October 7, 2017

Dear Mr. Daly,

On October 7, 2017 Westmoreland Mining, LLC's Haystack Mine (Haystack) experienced an exceedance of the 24-hour PM₁₀ standard. This facility has requested that the Air Quality Division (AQD) flag the October 7, 2017 data in exceedance of the National Ambient Air Quality Standards (NAAQS) measured by the Haystack's Upwind PM₁₀ monitor (AQS ID 56-041-0201 POC-1) as due to an Exceptional Event under 40 CFR Part 50.14. The AQD is requesting EPA concurrence that the event was exceptional.

The AQD has completed its review of the Exceptional Event documentation package submitted by Haystack. The AQD has determined that the Haystack Exceptional Event package demonstrates a clear causal relationship between the exceedance measured at the PM₁₀ monitor and the high winds measured at this facility on this day.

The AQD sent an initial notification cover letter and form to EPA for the October 7, 2017 exceedance on June 10, 2019. The AQD received the EPA Initial Notification Response Letter via email on July 3, 2019. In the response EPA states they have not identified and do not anticipate these data being used in any pending EPA regulatory determination, to formulate or support regulation, guidance or in any other pending EPA decision, position or action and therefore does not plan to review these events for concurrence. With consideration of input from Haystack, the AQD is submitting this demonstration to EPA so that when the EPA prepares to use these data in any pending EPA regulatory determination, to formulate or support regulation, guidance or in any other pending EPA decision, position or action the demonstration will already be available in EPA's records for concurrence review.

Public notice for Haystack's request to flag the October 7, 2017 exceedance of the 24-hour PM₁₀ standard was published in the following Wyoming newspapers on August 21, 22, and 23, 2018: Casper Star Tribune, Kemmerer Gazette, and Uinta County Herald. The Haystack documentation package submitted to the AQD was made available for public comment and the public was allowed thirty (30) days to submit written comment. The documentation packet was made available on the AQD's website as well as at the AQD's Cheyenne office. At the close of business on September 21, 2018, the AQD had received no written comments from the public.

The AQD's review process includes several members from multiple Sections within the Division. In the case of this exceedance, AQD staff from the Compliance, Permitting and Monitoring Sections convened to determine if the exceedances qualified as an Exceptional Event under 40 CFR Part 50.14. Each team member brings a unique skillset and perspective to the review process, resulting in a thorough evaluation, from multiple perspectives, of the information provided by the facility.

Among the questions considered by the review team is the question of facility compliance with their air quality permit during the exceedance. This is necessitated by the definition of an Exceptional Event, which excludes, "air pollution relating to source noncompliance" from consideration under 50.14. Our review teams are aware of this requirement and offers the following statement of compliance:

Haystack Mine is not on a regular inspection schedule, and AQD records show no previous inspections of the facility have been performed to date. In addition, no site visits have been logged for this facility. Compliance reports appear to have been received as expected from the facility. No significant compliance issues have been noted.

The AQD has flagged the Haystack's Upwind monitor PM₁₀ data in exceedance of the NAAQS on October 7, 2017 in EPA's Air Quality System's (AQS) data base. The AQD is requesting EPA to exercise its discretion and concur with the flags placed on the Haystack Upwind monitor, October 7, 2017 exceedances.

In 2019, Cara Keslar participated in the EPA's State Planning Electronic Collaboration System (SPeCS) project team to provide feedback on development for Exceptional Event submissions. At this time, the AQD is awaiting EPA's full implementation of SPeCS for Exceptional Events. Until such time, the AQD will continue to submit demonstrations to EPA Region VIII via hard copy or electronic copy on portable drive.

If you have any questions, please feel free to contact Cara Keslar at (307) 777-8684.

Sincerely,



Darla J. Potter
Air Quality Resource Program Manager
Air Quality Division

[Enclosure]

CC: Richard Payton, U.S. EPA Region VIII (without enclosure)
Kristina Hooper-Barden, DEQ Monitoring Project Manager (without enclosure)
Jeff Wendt, DEQ District Engineer (without enclosure)
Jesse Noel, Environmental Director, Westmoreland Mining, Haystack Mine (without enclosure)